



Billing Code 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XD852

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; availability of NMFS evaluation of joint state/tribal hatchery plans and request for comment.

SUMMARY: Notice is hereby given that the Washington Department of Fish and Wildlife (WDFW), with the Jamestown S’Klallam Tribe, the Lummi Nation, the Nooksack Tribe, the Stillaguamish Tribes, and the Tulalip Tribes as the *U.S. v. Washington* salmon resource co-managers, has submitted three Hatchery and Genetic Management Plans, to be considered jointly, to NMFS pursuant to the limitation on take prohibitions for actions conducted under Limit 6 of the 4(d) Rule for salmon and steelhead promulgated under the Endangered Species Act (ESA). The plans specify the propagation of early-returning (“early”) winter steelhead in the Dungeness, Nooksack, and Stillaguamish River watersheds of Washington State. This document serves to notify the public of the availability for comment of the proposed evaluation of the Secretary of Commerce (Secretary) as to whether implementation of the joint plans will appreciably reduce the

likelihood of survival and recovery of ESA-listed Puget Sound steelhead, Puget Sound Chinook salmon, and Hood Canal summer chum salmon.

This notice further advises the public of the availability for review of a draft Environmental Assessment of the effects of the NMFS determination on the subject joint plans.

DATES: Comments must be received at the appropriate address or email mailbox (see **ADDRESSES**) no later than 5 p.m. Pacific time on [*insert date 30 days after date of publication in the FEDERAL REGISTER*].

ADDRESSES: Written comments on the proposed evaluation and pending determination should be addressed to the NMFS Sustainable Fisheries Division, 510 Desmond Dr., Suite 103, Lacey, WA 98503, or faxed to (360) 753-9517. Comments may be submitted by e-mail. The mailbox address for providing e-mail comments is: *EWSteelheadHatcheries.wcr@noaa.gov*. Include in the subject line of the e-mail comment the following identifier: Comments on Early Winter Steelhead Hatchery Programs. When commenting on the draft environmental assessment, please refer to the specific page number and line number of the subject of your comment. The Secretary's proposed evaluation of effects on listed steelhead and salmon, and the draft Environmental Assessment are also available on the Internet at *www.westcoast.fisheries.noaa.gov*. Comments received will also be available for public inspection, by appointment, during normal business hours by calling (503) 230-5418.

FOR FURTHER INFORMATION CONTACT: Tim Tynan at (360) 753-9579 or e-mail: *tim.tynan@noaa.gov*.

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notice

Steelhead (*Oncorhynchus mykiss*): threatened, naturally produced and artificially propagated Puget Sound.

Chinook salmon (*O. tshawytscha*): threatened, naturally produced and artificially propagated Puget Sound.

Chum salmon (*O. keta*): threatened, naturally produced and artificially propagated Hood Canal summer-run.

Bull trout (*Salvelinus confluentus*): threatened Puget Sound/Washington Coast.

The WDFW, with the Jamestown S’Klallam Tribe, the Lummi Nation, the Nooksack Tribe, the Stillaguamish Tribes, and the Tulalip Tribes as the *U.S. v. Washington* salmon resource co-managers, has submitted to NMFS plans for three jointly operated hatchery programs in the Dungeness, Nooksack, and Stillaguamish river basins. The plans were submitted in July 2014, pursuant to limit 6 of the 4(d) Rule for the listed Puget Sound steelhead distinct population segment (DPS), and the listed Puget Sound Chinook Salmon and listed Hood Canal Summer Chum Salmon evolutionarily significant units (ESU). The plans reflect refinements of draft versions of the plans provided previously and evaluated pursuant to the 4(d) Rule. The hatchery programs would release early winter steelhead that are not included as part of the ESA-listed Puget Sound Steelhead Distinct Population Segment into the Dungeness River, Nooksack River, and Stillaguamish River watersheds. All three programs would release fish that are not native to the watersheds.

As required by the ESA 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR

37160, June 28, 2005), the Secretary is seeking public comment on her pending determination as to whether the joint plans for early winter steelhead hatchery programs in the Dungeness River, Nooksack River, and Stillaguamish River would appreciably reduce the likelihood of survival and recovery of ESA-listed Puget Sound steelhead and Puget Sound salmon.

Under section 4(d) of the ESA, the Secretary is required to adopt such regulations as she deems necessary and advisable for the conservation of species listed as threatened. NMFS has issued a final ESA 4(d) Rule for salmon and steelhead, adopting in Limit 6 regulations necessary and advisable to harmonize statutory conservation requirements with tribal rights and the Federal trust responsibility to tribes (50 CFR 223.209).

This 4(d) Rule applies the prohibitions enumerated in section 9(a)(1) of the ESA. NMFS did not find it necessary and advisable to apply the take prohibitions described in section 9(a)(1)(B) and 9(a)(1)(C) to artificial propagation activities if those activities are managed in accordance with a joint plan whose implementation has been determined by the Secretary to not appreciably reduce the likelihood of survival and recovery of the listed salmonids. As specified in limit 6 of the 4(d) Rule, before the Secretary makes a decision on the joint plan, the public must have an opportunity to review and comment on the pending determination.

Authority

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as she deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as

updated in 70 FR 37160, June 28, 2005) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. Limit 6 of the updated 4(d) rule (50 CFR 223.203(b)(6)) further provides that the prohibitions of paragraph (a) of the updated 4(d) rule (50 CFR 223.203(a)) do not apply to activities associated with a joint state/tribal artificial propagation plan provided that the joint plan has been determined by NMFS to be in accordance with the salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005).

We also apply this notice in accordance with the requirements of NEPA as amended (42 U.S.C 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6), and other appropriate Federal laws and regulations, and policies and procedures of NMFS for compliance with those regulations.

Dated: March 23, 2015.

Angela Somma,
Chief, Endangered Species Division, Office of Protected Resources,
National Marine Fisheries Service.

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